

City Council Introduction: **Monday**, June 3, 2002
Public Hearing: **Monday**, June 10, 2002, at **1:30 p.m.**

Bill No. 02-69

FACTSHEET

TITLE: MISCELLANEOUS NO. 01011, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, Inc., to vacate a portion of Hawthorne Addition, on property generally located at S.W. 27th Street and South Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/14/01 and 4/03/02
Administrative Action: 04/03/02

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional Approval (8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent).

ASSOCIATED REQUESTS: Change of Zone No. 3361 (02-70); Special Permit No. 1951, Hartland Homes Southwest Community Unit Plan (02R-120); and Preliminary Plat No. 01020, Hartland Homes Southwest (02R-121).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the following analysis:
 - A. The area is currently zoned AGR and is undeveloped.
 - B. The applicant indicates that the vacated lots and right-of-way will be used to create a new preliminary plat and community unit plan in the future.
 - C. The street and alley right-of-way lying within the limits of Hawthorne Addition will be vacated with the approval of this plat vacation.
2. This application had initial public hearing before the Planning Commission on November 14, 2001, at which time it was deferred until the new preliminary plat and community unit plan come forward (See Minutes, p.4-5).
3. On April 3, 2002, this plat vacation and the associated Change of Zone No. 3361 and the Hartland Homes Southwest Community Unit Plan and Preliminary Plat were placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated October 31, 2001. The conditions of approval are found on p.3.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 17, 2002

REVIEWED BY: _____

DATE: May 17, 2002

REFERENCE NUMBER: FS\CC\2002\MISC.01011 Plat Vac

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: MISC No. 01011 **DATE:** October 31, 2001

PROPOSAL: Hartland Homes, Inc. has requested the partial vacation of Hawthorne Addition.

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| RECOMMENDATION: Conditional Approval |
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GENERAL INFORMATION:

LEGAL DESCRIPTION: All of Blocks 13,14,15,16,17,18,19,20,38,39,40 and Lots 1 thru 5, Block 37, Hawthorne Addition, located in the NW 1/4 of Section 33, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

LOCATION: SW 27th Street and South Street.

APPLICANT: Hartland Homes, Inc.
P.O. Box 22787
Lincoln, NE 68542

OWNER: Same

CONTACT: Brian D. Carstens
601 Old Cheney Rd. Suite C
Lincoln, NE 68512

EXISTING ZONING: AGR-Agricultural Residential

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North: AGR- Agricultural Residential

South: AGR- Agricultural Residential

East: R-2- Residential

West: H-4- General Commercial District north of Maple Street. This area is currently being used as agriculture. South of Maple Street is zoned P Public.

HISTORY:

1. July 6, 1892 Hawthorne Addition is approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Map of the Comprehensive Plan specifies this area as Urban residential.

UTILITIES: There are no existing utilities in Hawthorne Addition

ANALYSIS:

1. The area is currently zoned AGR and is undeveloped.
2. The applicant has stated that the vacated lots and right-of-way will be used to create a new preliminary plat and community unit plan to be platted at a later date.
3. The street and alley right-of-way lying within the limits of Hawthorne Addition will be vacated with the approval of the plat vacation.

CONDITIONS:

1. Hartland Homes, Inc. must quit claim any interest Hartland Homes Inc. has in the vacated street and alley right-of-way.
2. The City retains ownership of the vacated right-of-way.
3. Retain all existing easements

Prepared by

Tom Cajka
Planner

MISCELLANEOUS NO. 01011 TO VACATE HAWTHORNE ADDITION,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 14, 2001

Members present: Krieser, Newman, Steward, Bills, Taylor, Duvall, Carlson, Hunter and Schwinn.

Staff recommendation: Conditional Approval.

This application was removed from the Consent Agenda at the request of the applicant and had separate public hearing.

Proponents

Brian Carstens appeared on behalf of the applicant, Hartland Homes, Inc., who is concerned about the sale price the Real Estate Department has put upon the property. The current topography has some major drainageways making it basically unbuildable in the current lot and block configuration. Hartland Homes is in the final stages of submitting a new preliminary plat and community unit plan for the same property, thereby dedicating numerous streets, preserving a large tree mass on the east side of S.W. 27th, taking most of the access internally and providing stormwater detention and fixing the drainage problems. They are hopeful to do some "horse-trading" on right-of-way instead of paying for that right-of-way. Carstens wondered whether this should be deferred until the preliminary plat and community unit plan come forward.

There was no testimony in opposition.

Schwinn posed the question to staff as to whether this vacation should be deferred. Tom Cajka of Planning staff responded, indicating that there is dedicated right-of-way now. By this vacation, the city is saying that the city would retain ownership of that property and be paid for that right-of-way. When the developer comes in with a new plat, they would in turn have to dedicate new street rights-of-way.

Rick Peo, City Law Department, explained that the city was looking at being paid compensation as a mechanism to insure that new plat came forward. We did not want to vacate this plat and give away the city ownership of the streets. Typically, if a person comes back and replats, we would say it was an exchange of land. Peo believes it would be preferable that the plat vacation and the new subdivision come through the process simultaneously so that we would know what is happening. Typically, the City Council would not take action until the issue is resolved. It might be better to defer this vacation until the plat comes forward.

Response by the Applicant

Carstens agreed to deferral until the preliminary plat and community unit plan come forward.

Duvall made a motion to defer until the new preliminary plat and community unit plan come forward, seconded by Hunter and carried 9-0: Krieser, Newman, Steward, Bills, Taylor, Duvall, Carlson, Hunter and Schwinn voting 'yes'.

CONSENT AGENDA

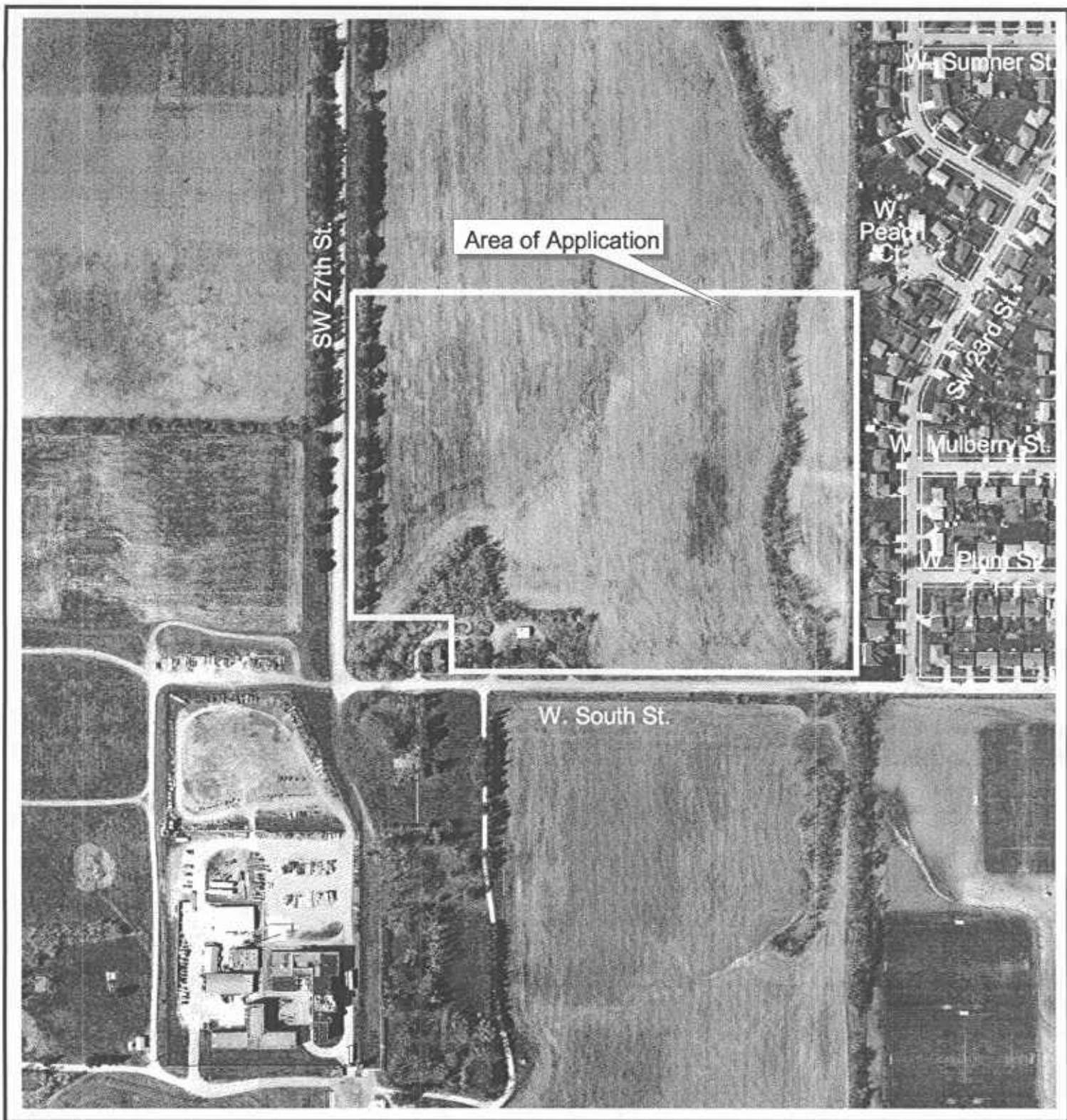
April 3, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3361; SPECIAL PERMIT NO. 1951, HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01020, HARTLAND HOMES SOUTHWEST; MISCELLANEOUS NO. 01011; PRE-EXISTING USE PERMIT NO. 9S; PRE-EXISTING SPECIAL PERMIT NO. 23E; SPECIAL PERMIT NO. 1962; SPECIAL PERMIT NO. 1963; SPECIAL PERMIT NO. 1774A, AMENDMENT TO THE WILDERNESS ESTATES 3RD ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1952, HAWKSWOOD ESTATES 1ST ADDITION COMMUNITY UNIT PLAN; and PRELIMINARY PLAT NO. 01024, HAWKSWOOD ESTATES 1ST ADDITION.**

Item No. 1.3, Pre-Existing Special Permit No. 23E, was removed from the Consent Agenda and scheduled for separate public hearing.

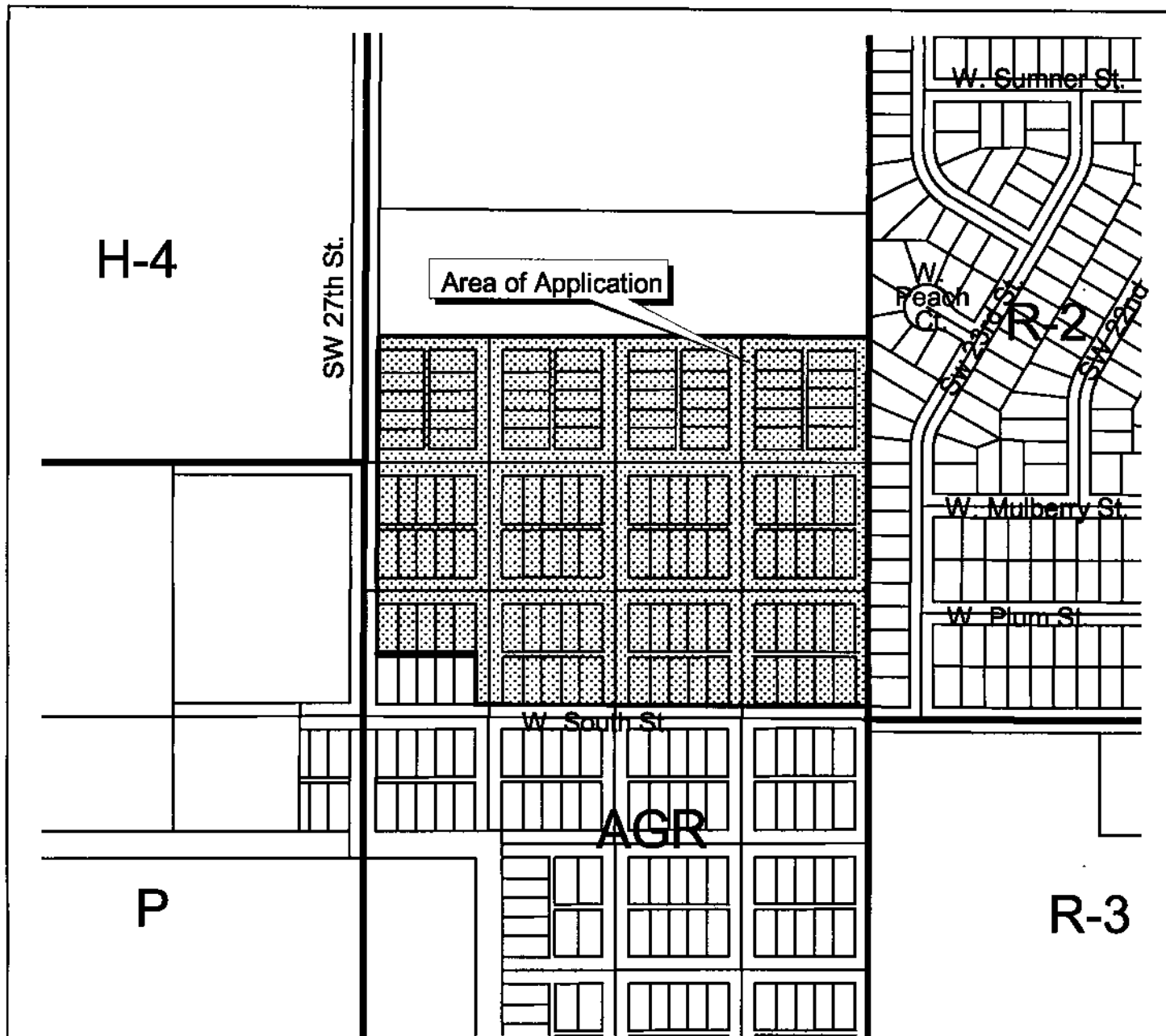
Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent.



Miscellaneous #01011
SW 27th & Maple
Hawthorne Add.



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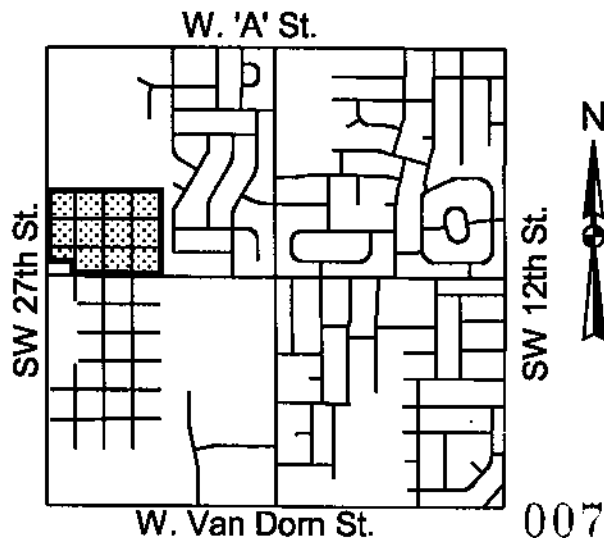
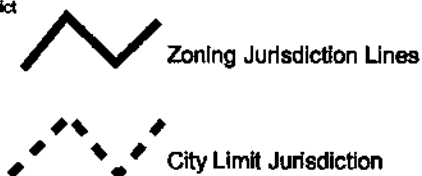


Miscellaneous #01011
SW 27th & Maple
Hawthorne Add.

Zoning:

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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | General Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 33 T10N R6E



007

INTEROFFICE MEMORANDUM

OCT - 8 2001

TO: Mayor Wesely
& City Council Members

FROM: Clinton W. Thomas
LINCOLN CITY, CLATSOP COUNTY
PLANNING & ZONING DEPARTMENT

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: October 8, 2001

COPIES TO: Joan Ross
Kathleen Sellman
Dana Roper
Byron Blum

SUBJECT: Vacation of all street & alley rights-of-way adjacent to Blocks 13-20 & 37-40, Hawthorne Addition except the west 55 feet of the East-West Alley in Block 37

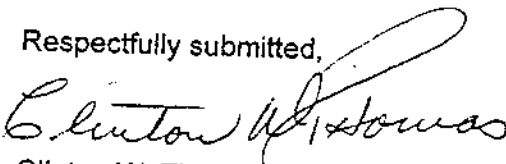
A request has been made to vacate all of the street and alley rights-of-way lying within Hawthorne Addition adjacent to Blocks 13-20 and Blocks 37-40 except the westly 55 feet of the East-West Alley in Block 37. This large tract of land lies generally south and east of Southwest 27th and West South Streets. When the area was viewed, it appeared as a large open field being used for agricultural purposes. Public Works has indicated there are no existing utilities within the area.

The owner recently acquired the adjoining property for a price reported by the seller to be approximately \$0.43 per square foot. Once vacated the streets and alleys would assume the value of the surrounding land. However, Public Works has indicated that as a requirement of the vacation a new plat must be filed which would undoubtedly require the dedication of streets and utility easements. The configuration of the streets and the narrow width of the alleys to be vacated do not lend themselves well to development as individual parcels. However, they do have value to the abutting land owner as assemblage and additional density which could be utilized in a Community Unit Plan of some type. As such, this value is estimated at 25% of the abutting property or \$0.11 per square foot. The calculations are as follows:

$$472,728.4 \text{ sq. ft.} \times \$0.11/\text{sq. ft.} = \$52,000.12 \text{ called } \$52,000$$

It is therefore recommended that if the area be vacated it be sold to the abutting property owner for \$52,000.

Respectfully submitted,


Clinton W. Thomas
Certified General Appraiser #990023

dge

M e m o r a n d u m

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|-------------|
| NOV 17 2001 |
| PLANNING |

[REDACTED]

To: Ray Hill - Planning

From: Dennis Bartels - Public Works
Byron Blum *BB*

Subject: Vacation of Hawthorne Addition

Date: October 16, 2001

cc: Roger Figard
Nicole Fleck-Tooze

There are no existing utilities in Hawthorne Addition. Easements for proposed utilities will be established at time of replatting. Public Works has no objections to the vacation of this subdivision.

fcp hawthlr blb



INTER-DEPARTMENT COMMUNICATION

DATE November 5, 2001

TO Tom Cajka, City Planning

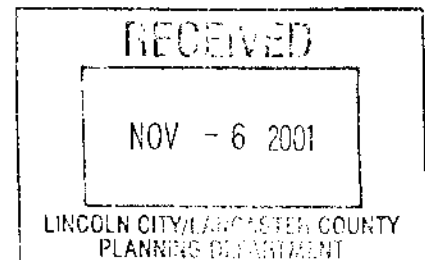
FROM Sharon Theobald
(Ext. 7640)

SUBJECT MISC 01011 - Vacate Portion of Hawthorne Addition
DN #19S-25W

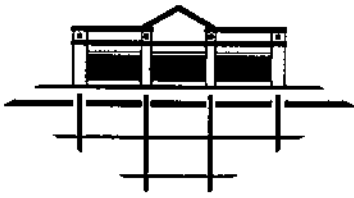
This is in response to the request to vacate a portion of Hawthorne Addition.

LES is requesting that all easements be retained for existing facilities and possible future facilities.

A handwritten signature in cursive script that reads "Sharon Theobald".



ST/nh
Attachment
c: Terry Wiebke
Easement File



BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

October 11, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

Dear Kathleen,

On behalf of Hartland Homes, Inc., we are requesting to vacate Hawthorne Addition, North of South Street, which includes Blocks 13, 14, 15, 16, 17, 18, 19, 20, 38, 39, 40 and 37 except Lots 6 through 10 of Block 37 and the adjacent East & West Alley to the North of said Lots. All other areas of Hawthorne Addition are to remain unaffected. We have enclosed an exhibit showing the area to be vacated from the Hawthorne Addition Plat.

Currently at Public Works, petitions to vacate the Right-of-Way are being reviewed. We will be requesting that these be voided. I have attached a copy of the letter that we are sending to Public Works.

The vacated lots and right-of-way will be used to create a new preliminary plat and community unit plan, which will be replatted at a later date.

If you have any additional questions please feel free to give me a call.

Sincerely,

Brian D. Carstens

cc: Duane Hartman
Byron Blum - Public Works

